

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA, §
Plaintiff §
§
V. § **CIVIL ACTION NO. 4:09-CV-04069**
§
\$31,660.00 IN U.S. CURRENCY, §
Defendant §

**ANSWER TO COMPLAINT FOR FORFEITURE IN REM
AND DEMAND FOR JURY TRIAL**

IMRAN KHAN AND FARIDA KHAN, Claimants herein, and their duly authorized attorney, Robert A. McAllister, Jr., file their Answer to Complaint for Forfeiture In Rem and Demand for Jury Trial.

I.

The allegations contained in Paragraph 1 of the Complaint for Forfeiture In Rem are admitted.

II.

The allegations contained in Paragraph 2 of the Complaint for Forfeiture In Rem are admitted.

III.

The allegations contained in Paragraph 3 of the Complaint for Forfeiture In Rem are admitted.

IV.

The allegations contained in Paragraph 4 of the Complaint for Forfeiture In Rem are admitted.

V.

Claimants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Complaint for Forfeiture In Rem.

VI.

Claimants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Complaint for Forfeiture In Rem.

VII.

Claimants have insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint for Forfeiture In Rem.

In addition, Claimants raise the following numbered defenses to the government's forfeiture suit:

1ST DEFENSE

The currency was for the business of the Claimants, Imran Khan and Farida Khan, to wit: a convenience store located in Houston, Harris County, Texas. Claimants obtained the funds through loans from their credit card accounts, and intended to use them in U.S. day-to-day business operations.

2ND DEFENSE

Claimants are innocent owners of the funds seized herein by the government.

3RD DEFENSE

The fine is excessive for the allegations raised. The seizing of this property violated the Eighth Amendment of the United States Constitution Excessive Fines Clause, in that the amount of the forfeiture is grossly disproportionate to the gravity of the offense.

4TH DEFENSE

Claimants herein plead the substantial hardship defense. The seized currency constitutes

assets of a legitimate business. Without return of the funds from the government, Claimants are unable to operate the business from which they earn a day-to-day living and to support their home and family.

5TH DEFENSE

Claimants lacked knowledge of the illegality of their actions; specifically they were unaware of their duty to file a report with customs for the amount of currency in their possession, and the amount of currency they could legally transport. This was their first time to travel back to Pakistan after many years in the United States.

6TH DEFENSE

Furthermore, the value of the currency in question is small, and exceeds the reporting requirement by only \$20,000.00.

7TH DEFENSE

There is no pattern of repeat violations of federal law by Claimants.

WHEREFORE PREMISES CONSIDERED, Claimants demand trial by jury on the issues and defenses. Further, Claimants pray that the court will:

1. Dismiss Plaintiff's complaint and enter judgment on behalf of the Claimants; and
2. Provide such relief as the Court deems proper and just.

Respectfully submitted,

LAW OFFICES OF
ROBERT A. McALLISTER, JR., P.C.

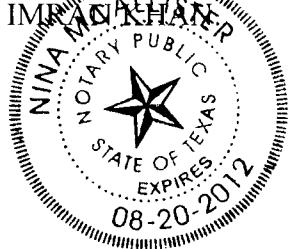
Robert A. McAllister, Jr.
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ATTORNEY FOR CLAIMANTS
IMRAN KHAN AND FARIDA KHAN

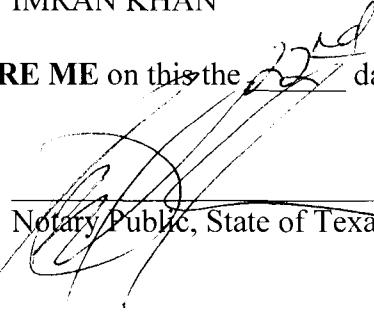
VERIFICATION

I declare under penalty of perjury, as provided by 28 USC § 7746, that I am a claimant in the above-referenced proceeding. I have read the foregoing Answer to Complaint for Forfeiture In Rem, and the statements made therein are true and correct to the best of my knowledge.


IMRAN KHAN

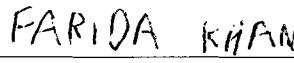
SUBSCRIBED AND SWORN TO BEFORE ME on this the 22nd day of February, 2010, by IMRAN KHAN



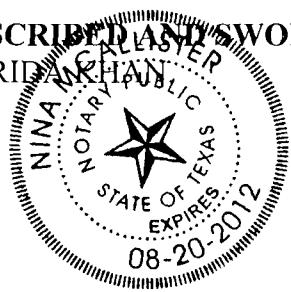

Notary Public, State of Texas

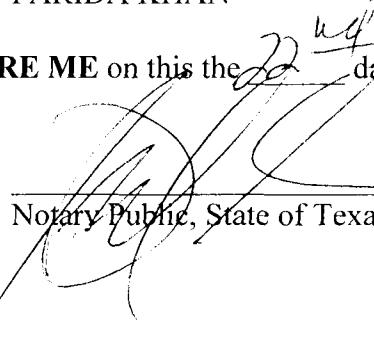
VERIFICATION

I declare under penalty of perjury, as provided by 28 USC § 7746, that I am a claimant in the above-referenced proceeding. I have read the foregoing Answer to Complaint for Forfeiture In Rem, and the statements made therein are true and correct to the best of my knowledge.


FARIDA KHAN

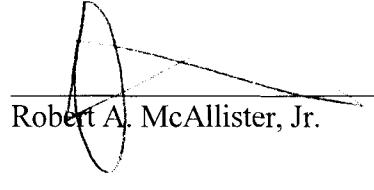
SUBSCRIBED AND SWORN TO BEFORE ME on this the 22nd day of February, 2010, by FARIDA KHAN




Notary Public, State of Texas

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of February, 2010, a true and correct copy of the above and foregoing has been mailed postage prepaid to: Albert Ratliff, Assistant US Attorney, United States Attorney's Office, POB 61129, Houston, TX 77208.


Robert A. McAllister, Jr.